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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-------------------------|-------------|----------------------|---------------------|------------------|
| 10/712,281 | 11/12/2003 | Steven Stewart Ibara | WindRein | 9319 |
| 7590 | | 06/09/2006 | EXAMINER | |
| Elisa Jones | | STERLING, AMY JO | | |
| 1745 Creek Dr. | | ART UNIT | | |
| San Jose, CA 95125-1841 | | PAPER NUMBER | | |
| | | 3632 | | |

DATE MAILED: 06/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|-------------------------------------|--|
| Office Action Summary | Application No. 10/712,281 | Applicant(s) IBARA ET AL. | |
| | Examiner Amy J. Sterling | Art Unit 3632 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,7-11,13-16 and 18-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,7-11,13-16 and 18-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is a Final Office Action for application number 10/712,281 Page Holder Enabling Unencumbered Manual Page Turning, filed on 11/12/03. Claims 1-5, 7-11, 13, 14, 16 and 18-24 are pending. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/14/06 has been entered.

All claims including the new claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Claim Rejections - 35 USC § 103

Claims 1, 3, 4, 7, 10, 11, 13, 14, 16 and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 5377946 to Pannu and in view of United States Patent No. 6375165 to Sherratt et al.

Pannu discloses applicant's basic inventive concept including teaching a book holder applied directly to a book having a reading support (24) and a self-retracting reel that is a tensioning mechanism (Spring, with a certain K constant will set a predetermined strength for the reel) set at a predetermined strength being sufficiently strong to retain pages in an open position yet sufficiently light to enable page turning, a plurality of gripping members (housing of 94 and 97) and a retaining line (92) of a predetermined length, the tensioning mechanism being attached to a gripping member and the line being attached to the tensioning mechanism so that the tensioning mechanism feeds and retracts additional line as the page is turned. (See Col. 4 lines 63-68 for operation).

Pannu also teaches the method of providing a page holder, providing a support for reading matter and placing reading matter on the support and attaching gripping

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members to opposed edges of the support and extending the line across the reading matter,

Pannu does not show a tension adjustment control on the reel so that the tension ranges can be between 0.05 N to 0.6 N or the method of using a tension adjustment control with that recited range.

Sherratt et al. shows a winding mechanism with a tension adjustment control (68) and the method of using the control, the device used for adjusting the tension of the material wrapped around the reel (20) of the winding mechanism. Sherratt et al. does not disclose the specific tension range of .05N to .6N, however, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have this range, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. See In re Aller, 105 USPQ 233. Therefore, both limitations would have been obvious to one having ordinary skill in the art at the time of the invention in order to adjust and control the tension of the line as taught by Sherratt et al. in order to control the tension of the line in Pannu and the method thereof.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 5377946 to Pannu and in view of United States Patent No. 6375165 to Sherratt et al. as applied to claim 1 above, and in view of United States Patent No. 5855329 to Pagano.

Pannu and Sherratt et al. disclose applicant's basic inventive concept, all the elements which are shown above with the exception that they do not show that the gripping members are clamps.

Pagano teaches a book holder (10) with a book support and retention device (28), which has clamping gripping members (35) attached to the support, which are used in order to clamp the book cover in place, to further secure the book to the holder, used for retracting a line into the reel (22), the method being inherent from the structure. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made from the teachings of Pagano to have used clamps as gripping members in order to further secure the book to the holder.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 5377946 to Pannu and in view of United States Patent No. 6375165 to Sherratt et al. as applied to claims 1 and 3 above, and in view of United States Patent No. 4826099 to Johnson.

Pannu and Sherratt et al. disclose applicant's basic inventive concept, all the elements which are shown above with the exception that they do not show that the reel is biased by an elastic band nor the method wherein the reel is biased by an elastic band.

Johnson shows a self retracting reel (22) which is biased by an elastic band (26), used for retracting a line into the reel (22), the method being inherent from the structure. Therefore, it would have been obvious to one having ordinary skill in the art at the time

the invention was made from the teachings of Johnson to have used an elastic band to bias the reel, in order to retract the line into the reel.

Claims 8, 9, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 5377946 to Pannu and in view of United States Patent No. 6375165 to Sherratt et al. as applied to claims 1 and 11 above, and in view of United States Patent Publication No. 2004/0076825 A1 to Hashimoto et al.

Pannu and Sherratt et al. discloses applicant's basic inventive concept, all the elements which are shown above with the exception that they do not show wherein the retaining line is a monofilament made from polyvinylidene fluoride or the method of providing the monofilament of polyvinylidene fluoride.

Hashimoto et al. discloses lines made of monofilaments that are polyvinylidene fluoride commonly termed PVDF, used for its resistance to deterioration in the mechanical properties. The method is inherent from the structural teachings in Hashimoto et al. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made from the teachings of Hashimoto et al. to have used this material and to have the method of using this material, in order to prevent deterioration of the mechanical properties of the line.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 5377946 to Pannu and in view of United States Patent No. 6375165

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to Sherratt et al. as applied to claim 1 above, and in view of United States Patent No. 3813075 to Capper.

Pannu and Sherratt et al. discloses applicant's basic inventive concept, all the elements which are shown above with the exception that they do not show that the device is a clipboard.

Capper shows a book holding device, that is a clipboard, (at 23) used to hold a book or loose pages in place. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made from the teachings of Capper to have made the book holding device as a clipboard to hold a book or loose pages in place.

Response to Arguments

The applicant has argued that Pannu does not teach the varying tension control. This point is moot since it is the combination of Pannu and Sheratt et al. that accomplish this particular teaching.

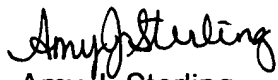
The examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, varying the tension of a line

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that is used to retain items was well within the knowledge generally available to one of ordinary skill in the art at the time of the invention.

Conclusion

Any inquiry concerning this communication should be directed to Amy J. Sterling at telephone number 571-272-6823. The examiner can normally be reached (M-F 8 a.m.-5:00 p.m.). The fax machine number for the Technology center is 571-273-8300 (formal amendments) or 571-273-6823 (informal amendments). Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist at 571-272-3600.


Amy J. Sterling
Primary Examiner
6/7/06